

Ms. Mabel E. Deutrich, Assistant Archivist
National Archives
Washington, D.C. 20408

Rt. 12, Frederick, Md. 21701

Dear Ms. Deutrich,

Each of the two sentences in your letter stamp dated 12/10 and here today is false. I deeply regret your compulsive need to conform to the worst of it to compete or survive in what has been the worst of a man's world.

Your letter reads, in full: "This is in reply to your letter of November 26, 1976, making certain requests and citing the Freedom of Information Act (5 U.S.C. 552 as amended. Since your requests would seem to involve the Central Intelligence Agency, we have referred a copy of your letter to that Agency for a direct reply."

First of all I did not address you on 11/26. You do not indicate this. I regret that you also indulge this need to abuse me when I am not well and at my age by requiring me to consult my files when I have made clear for more than a year that this is sometimes difficult, sometimes impossible for me. I am without any staff and I do have filing of more than a year ago I have not been able to get to.

If it is not a deliberate lie contrived for some anticipated future misuse it is at the very least a deliberate distortion to represent "the making of certain requests and citing" FOIA. I did not "cite" FOIA. In the heading of that letter, "FOIA request or appeal" I invoked it. For those of you determined not to live within the law and for the delays you contrive in denying me my rights under the Act the difference is enormous.

Whether or not there is a CIA "involvement" my request was of the Archivist, not either you or the CIA, although as my letter indicates I had addressed it separately. I addressed the Archivist personally for reasons set forth in my letter. Now it is a fact you neither question nor deny that I asked under the Act, if I had not earlier made the request, for a record the Archives has. If I had made this request earlier my letter is explicit in being an appeal. There is no need and no right you have of which I am aware to contrive this deliberate stalling by making no response and instead duplicating what I had already done by "referring a copy of" my "letter to that Agency for a direct reply." I want a reply from you. This is why I wrote you. Under the law you are required to make an appropriate response. You not the CIA became the inheritor of the Warren Commission's records. My request is for a Warren Commission record. Whatever it may have required of you to get where you now are this amount of simple comprehension certainly was prerequisite.

As I understand the Act whether or not I had made this request earlier and my letter you are overdue in responding to was an appeal, I do interpret your letter as a rejection and am asking you to forward this internally as my appeal. Unless you decide to recognize that there is this law, whether or not you and those to whom you are beholden like it, and to abide by it. In that event you will comply with the request and send me the public information I have requested, charging the inflated xeroxing cost to my non-interest bearing account.

There is no way of interpreting your letter as a "reply" to mine. One of the many illustrations of this is my reference to waiver under the Act. You have neither responded to this nor disputed it.

You have made no claim to any exemption, as the Act requires. You have not denied possession of the public information I seek.

In short, as I see it, you have reduced this to its simplest formulation: compliance or non-compliance, without any claim to any exemption.

Sincerely,

Harold W. Johnson

Attachments to Archives (Deutrich) 12/6/76 on 1975 releases

EW 12/9/76

State's letter of 1/7/76 says list 2 still under review. Not provided here.

Kelley's 4/7/76 letter refers to Lane's request. The attached list accounts for the documents relating to him

CIA's (Gene Wilson) 1/26/76 letter has an FBI, not CIA inventory attached. The CIA's list in in the letter. The list consists of numbered Commission documents only.

FBI's 12/31/75 letter says there are quite a few referred to other agencies, etc.

But it is now a year and a half since they review began if these have not been processed yet.

From the letters and other evidence these are not complete lists or correspondence relating to all the records to have been reviewed. For example, the CIA withheld some staff papers and released others but these are not in its letter.

The total number of released pages to which Kelley refers seems to coincide with the number for which the Archives charged me. If so this means I did not receive all released pages. The correspondence and the check will reflect the number of pages.

The lists are in tabular form and do contain some information not in the earlier Commission list. I did not read them word for word but I did notice that a deBrueys document was referred to a foreign country. Unusual.